

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JACK ZAUSA,)	
)	
Plaintiff,)	
)	CASE NO.: 16 CV 01308
v.)	
)	Hon. Elaine E. Bucklo
DAVID SWEIS and SWEIS LAW FIRM, P.C.)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Defendants, David Sweis and Sweis Law Firm, P.C. (hereinafter referred to collectively as "Sweis"), respectfully submit their Rule 12(b)(6) Motion to Dismiss Plaintiffs' Complaint, and in support thereof, state as follows:

1. Plaintiffs Jack Zausa and Terry Zausa ("the Zausas") filed a complaint against Sweis. In Count I of the complaint, the Zausas bring a claim against Sweis under the federal Truth In Lending Act ("TILA"). In Counts II and III, the Zausas bring state law claims for legal malpractice and breach of contract, respectively.

2. As more fully explained in Sweis' Memorandum of Law in support of this Motion to Dismiss, which is filed contemporaneously with this Motion, Count I of the Zausas' Complaint fails to state a claim upon which relief may be granted, and the Court should decline to exercise supplemental jurisdiction as to the state law claims made in Counts II and III. As a result, the Plaintiffs' complaint should be dismissed pursuant to Rule 12(b)(6).

WHEREFORE, for all of the above-stated reasons, Defendants, David Sweis and Sweis Law Firm, P.C. respectfully pray that this Honorable Court dismiss Plaintiffs' Complaint without leave to amend and grant Defendants such further and additional relief as this Honorable Court deems just.

Respectfully submitted,

**DAVID SWEIS
and
SWEIS LAW FIRM, P.C.**

By: /s/ Brian J. Olszewski
One of Their Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, certify that I filed Defendants' Motion to Dismiss through the Court's CM/ECF system, which will cause electronic notification of this filing to be sent to all counsel of record on March 3, 2016.

By: /s/ Brian J. Olszewski
Brian J. Olszewski

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